

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES ALLEN CLARK,

2:08-CV-903 JCM (PAL)

Plaintiff,

V.

CIRCUS CIRCUS HOTEL & CASINO,
et al.,

Defendants.

ORDER

Presently before the court are the report and recommendations of United States Magistrate Judge Peggy Leen, which were filed on April 15, 2009. (Doc. #10.) Judge Leen recommended that plaintiff's complaint be dismissed unless plaintiff filed a certificate of interested parties before April 27, 2009. Plaintiff did not file a certificate of interested parties in response to Judge Leen's recommendation. Instead, he filed a motion for appointment of counsel. (Doc. #11.)

Although plaintiff might benefit from the assistance of counsel in this case, a person has no right to counsel in civil actions. *See Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). However, a court may under “exceptional circumstances” appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1). *Id.* Here, plaintiff has made no showing of either indigence or exceptional circumstances. In fact, plaintiff has already paid the \$350 filing fee. Therefore, his request for counsel will be denied.

Because plaintiff made some attempt to respond to Judge Leen's recommendation, he will be given a short extension of time in which to file a certificate of interested parties.

1 || Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Magistrate Judge Leen's report and recommendations (doc. #10) are AFFIRMED in part. Plaintiff's complaint shall be DISMISSED unless he files a certificate of interested parties on or before **Friday, May 29, 2009**.

5 IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel (doc. #11)
6 is DENIED.

7 DATED this 19th day of May, 2009.

UNITED STATES DISTRICT JUDGE